

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IONICS INCORPORATED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-11943-PBS
	)	
GLOBAL ENERGY, INC.,	)	
	)	
Defendant.	)	
_____	)	

**AFFIDAVIT OF JASON W. MORGAN, ESQ.**

I, Jason W. Morgan, do hereby depose and state as follows:

1. I am an attorney, licensed to practice in the Commonwealth of Massachusetts and a member in good standing of the Massachusetts Bar.

2. I represent the Defendant Global Energy, Inc. ("Global Energy") in this action. Unless otherwise noted, the statements in this affidavit are based on my personal knowledge.

3. On October 4, 2004, I informed Ionics' counsel, Kim M. Clarke, Esq., that I needed more than fourteen (14) days to respond to her client's summary judgment motion, in order to collect relevant documents and information in preparing a response thereto. I explained to Attorney Clarke that I had not yet been able to collect documents and other information relevant to the summary judgment motion and that my client contact, Global Energy's president, Harry Graves, has been, and still is, out of town on business.

4. I initially requested an extra week to respond to the summary judgment motion – until October 15, 2004 – with the proviso that I might need another short extension, depending on my ability to collect the necessary documents and information, and the volume thereof.

5. I earlier had explained to Attorney Clarke that, given that the case is less than a month old and that no discovery has taken place, it would be premature for Ionics to move for summary judgment at this time. Attorney Clarke disagreed.

6. On October 5, 2004, after discussing my request for an extension with her client, Attorney Clarke denied my request for an extension. She stated that her client was adamant about not giving any extensions.

7. I told Attorney Clarke that her client was being unreasonable, and that I would have to move the Court for an extension.

Signed this 5<sup>th</sup> day of October 2004 under the pains and penalties of perjury.

/s/ Jason W. Morgan  
Jason W. Morgan, Esq.